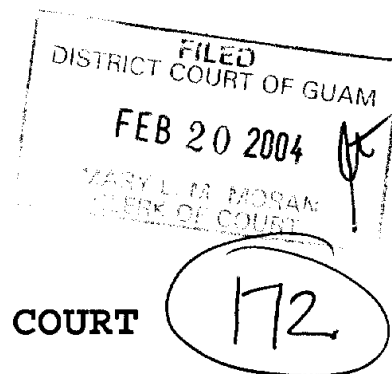


1 Tony H. Ashtiani
2 P.O.Box 12723
3 Tamuning Guam 96931
4 671-688-4844
5 671-653-5575



6 UNITED STATES DISTRICT COURT

7 DISTRICT OF GUAM

8 Tony H. Ashtiani,)

9 Plaintiff,)

10 Vs.)

11 Continental Micronesia Inc,)

12 DbA, Continental Micronesia,)

13 Continental Airlines,)

14 Defendant)

Civil Case No.: 02-00032

PLAINTIFF'S EXHIBIT LIST.

17
18
19 Plaintiff respectfully submits these exhibits in support of his
20 case in chief.

NOS.	DESCRIPTION	DATE IDENTIFIED	DATE ADMITTED
1.	Declaration of Vince Diaz Clearly stating that mechanics took sick calls and passed down verbally to supervisor and that mechanics that called another mechanic for sick calls were not considered no call/no show, and were not reprimanded. This was in house policy at CMI maintenance department.		
2.	Joe Pangelinan's declarations stating that Ashtiani did call on Jun 23 2001 due to his son's illness.		
3.	Joe Pangelinan's declarations stating he passed verbally to Glenn Mendoza that Ashtiani would not be in Jun 23, and 24, 2001.		
4.	Ron Roberts original declarations stating "I was told by one supervisor if Glenn would of told me Tony called in all this would not be happening".		
5.	Ashtiani's first and only evaluation On Jun ,09, 1992 authored by Paul Richards inspection supervisor at Lax airport ,Continental Airlines.		
6.	The pacific employer published by Carlsmith Ball, law firm representing defendant stating the importance of written performance evaluation.		
7.	Attendance audit by William Herrera for year 2000 to May ,15 ,2001 showing Ashtiani had (1) sick day and it is erroneously accelerated to level 3.		

(T.A.)
DATE
IDENTIFIED.

(T.A.)
DATE.
ADMITTED

8. Steve Martinez's Facsimile with electronic digital signature on top of page (Fed Rule Evid 901 (b) (4), (9)) as and admissible evidence under the rule dated June 10, 2002, in reference to fabricated attendance record by CMI.
9. Fabian Therrell's statement dated October 06, 2002, that trade days are non accountable attendance.
10. Perfect attendance rewards program that Trade days are non-accountable attendances.
11. Form P-138 showing Joby Okada starting to take time off from Nov 28, 1999 for sick grandmother (Okada as my comparator) time off was signed by Glenn Mendoza.
12. Swing shift schedule indicating that Joby Okada continued his absences for over 30 days for whole month of December 1999 as comparative worth Ashtiani was unable to take the same time off for his own biological son.
13. Declaration of Attorney Mark Williams in reference to meeting on Jul 02 2001.
14. Ashtiani's letter to CMI requesting information in reference to a Meeting On July ,02,2001.
15. GCA Title 22 clearly states (d) "Representative Includes any person chosen by an employee to represent him".
16. Teresa Sage's letter On July 02, 2001. 11 minutes after meeting.
17. Defendant's requesting plaintiff's pay check on Jun 28 2001 prior to the meeting on Jul 02 2001. admissible evidence corporate letter head under rule 901(b) (4) (9).

DATE
DATE

DATE
DATE

Identified.

Admitted.

18. unauthorized employment practices Civil rights federal statute 42 USC SEC 2000e2 (703) (2) (D) clearly states "Nothing in this Subsection shall construed to authorize or permit the denial to any person of the due process of law requires by the constitution."

19. List of minorities among majorities from December 1999 to July 2001.

20. minorities that were terminated in the period from December 1999 to July 2001. indicating while 9.2 percent of minorities occupied the work force they received 100 percent of all terminations.

21. Letter dated April 22, 1994 acting DC-10 Chief pilot Craig Brownrigg commending Ashtiani for outstanding work performance.

22. Letter dated August 28, 1994 DC-10 captain Steve Bowman commending Ashtiani for his outstanding dedication and leadership.

23. Letter dated February 20 1997 from director Jim Bennett commending Ashtiani for his commitment to CMI.

24. Statement dated September 15 2002 of Fabian Therrell stating that Ashtiani is a hard worker and that Sherman Thompson was forced to lie to EEOC.

25. Statement dated May 20, 2002 of Fabian Therrell stating that " I have never, till this very day, been told a supervisor must take the call."

26. CMI e-mail dated December 02 ,1999 admitting that Management is well aware to respond within two days to reply back to FMLA certificate.

(T.A.)
DATE
Identified.

(T.A.)
DATE
Admitted.

27. CMI produced document # 000254 dated October 30 2001 (4) months after my termination indicating that Ashtiani was No- show on June 23-24 2001. which is pretext due to declarations exhibits provided 1,2,3, and also See affidavit of Vince Diaz.
28. News letter in EEOC web cite by EEOC director "Subjecting workers to harassment because of their race can be costly to business, not only in monetary terms, but also in terms of increased absenteeism and health care costs, and lower productivity and employee morale.
29. Shift turn over log dated April ,03, 2002, indicating Tony Rodriguez mechanic called to Roger Ruiz lead not in supervisory capacity of CMI.
30. Shift turn over log dated May 14, 2002, indicating Junior Martinez mechanic called to Victor Saclot another mechanic not in supervisory capacity of CMI.
31. Shift turn over log dated May 27, 2002, Marlon Raqueno mechanic called another mechanic Fabian Therrell Also not in supervisor capacity.
32. Letter from dated June 14, 2002 to Continental Airlines requesting information of statistics.
33. Continental Airlines respond dated June 18 2002 to EEOC intentionally delaying respond and placing July 3, 2002 as Ashtinai's termination date was July 3, 2001.
34. Continental Airlines respond dated July 10, 2002 moving beginning dates Six months ahead to January 1, 2000 and moving ending dates to July 3, 2001 as to conceal statistical data from EEOC.
35. Ashtiani's benefit confirmation sheet dated May 06 ,2001, indicating employee was being deducted for 500,000 Accidental Death and dismemberment.

TA

DATE:
IDENTIFIED.

TA

DATE:
ADMITTED.

36. Cover letter indicating Ruben Warner Associates, inc and indicate 31 days as Statute of limitations.
37. The envelope that was intentionally delayed as in cover letter in Exhibit indicates statute of limitation of 31 days and this envelope containing the letter was post dated 38 days after the date of termination.
38. Ruben Warner Associate, Inc located at bottom of the page and that the amount 500,000 was different size that 50,000. Corporate Letter head.
39. Insurance directory phone numbers by zip codes which I searched on the internet on January 2 , 2002.
40. Fax cover sheet as page (1) by Ruben Warner received on January 03 2002.
41. Fax sheet page (2) of Ruben Warner following day I spoke to a insurance sales and marketing employee I was informed that this insurance policy is invalid for Non US. Residents (Guam residents). Noted that 250,000 numbers were same size as the 50,000 and that CMI had tampered with this document.
42. Ruben Warner Associates, inc and it was brought to attention of CMI human resources benefit specialist and policy number was changed and it was initialed by Annie Duenes.
43. EEOC issue new guidance on discrimination in employee benefits.
44. Notice of discrimination dated January 10, 2002. Form EEOC to CMI.

(T.A.)

DATE:
IDENTIFIED.

(T.A.)

DATE:
ADMITTED.

- 1 45. My visit to PMC regarding my son and
2 I was unable to see Mathew's own pediatric
3 in earlier week because Dr. Wolff was
4 off island , I did call the nurse and
5 was told to give him Motrin.
- 6 46. My spouse and I visit to CMI clinic
7 dated July ,5 ,2003 when my son was sick
8 again because he keeps sucking his
9 thumb, as Dr. Tobias notes indicates
10 "No sucking thumb".
- 11 47. My spouse and I visit to CMI clinic dated
12 September ,24, 2003 Matthew had flu and
13 was sick again and Dr. Lom had also indicated
14 Motrin , which is exactly what I was told
15 to do by PMC nurse when I called to make
16 appointment or walk in , I was told to
17 administrate Motrin and don't bring him
18 because of measles outbreak among children
19 at clinic.
- 20 48. Shift schedule on June 26 2001 my last
21 day at work. Which I was assigned
22 to work on two aircrafts by myself and
23 on the second aircraft my assignment
24 states that belly load stretcher kit
25 in forward Bin (Cargo bay).
I followed my assignment. Usually
there are two men assigned to this
task by supervisor. These sheets
are 11 by 14 inches and have no
dates, only the back side has
dates, sheets are reduced on
copy machine and handed out to mechanics.
49. Copy of Charles Salzberg M.D.,
indicating my Jun 26, 2001,
injury lifting heavy object by
myself.
50. International brother hood of teamsters
grievance form dated December 19, 1999
against Glenn Mendoza, punishing
minorities to max for no apparent
reasons and simply threatening
employer is a protected activity.

T.O.
DATE.
Identified.

T.O.
DATE.
Admitted.

- 1 51. CMI letter authored by maintenance
2 manager Keith Higgins stating less
3 pay for minorities transferring
4 from Continental Airlines to CMI
5 There is no provision in EPA
6 Equal Pay Act) that allows
7 union contract to supersede
8 Federal Laws.
- 9 52. EEOC fax from asking charging
10 party to request for Notice
11 of Right to Sue and CP declined.
- 12 53. Undated letter of Larry Kimball to EEOC
13 Raymond Griffin describing desperate treatment
14 of different class of employees at CMI.
15 Admissible signed by defendant employee.
- 16 54. Defendants production of documents (#000325)
17 dated February 1993 of Mr. James Lujan's
18 discussion of attendance sheet in regards
19 to Ashtiani slurs, he liked me because
20 I was hard worker, he always commended me for
21 my DC-10 Knowledge
- 22 55. November 2001 Continental Times indicating all
23 DC-10-10 and DC-10-30 parked in Mojave Desert
24 All DC-10 were exited on or about September
25 2001 (6 weeks after Ashtiani's termination).
56. Shift turn over log On Jun 19, 2001 indicating
Sherman Thompson called non supervisory
Frnak Taijeron
57. August 27 2001 letter of appeal of
termination by James Hammer whom made racial
comment after 9/11 to Ron Roberts about plaintiff.
58. Railroad rail way act USC 45 sec 152 page 18
No back pay for Ashtiani's wrongful
termination however, indictaing Change in pay
rules or working conditions
contrary to agreement.

T.O.

DATE.

Admitted.

T.A.

DATE.

Admitted.

- 1 59. Letter dated March 27, 2002 by McKinzie
2 no back pay for Ashtiani's wrongful
3 termination, suspension with no pay
4 and stating in condition No 4. As
5 a condition of reinstatement Mr. Ashtiani
6 will agree to withdraw the grievance
7 concerning his termination as well
8 as all legal actions against CMI
9 pending before any court or administrative
10 agency.
- 11 60. EEOC enforcement guidance to non waivable
12 employee rights under eeo thus Mckinzie's
13 condition is prohibited act of congress
14 in title VII.
- 15 61. CAL heavy trading of sold stocks by management
16 prior to 9/11/2001 Plaintiff had seen
17 security alert to "all stations" that was
18 printed at sonic printer at maintenance
19 office. (5 pages)
- 20 62. Time recorder at CMI (PUNCHING TYPE)
- 21 63. Time keeper central (digital type) 3 pages
- 22 64. CMI submitting Ashtiani to drug test
23 (3 pages) per union contract and DOT.
- 24 65. Shift log indicating supervisors on
25 duty for 6/17,6/24,6/18,6/19 maintenance
supervisor on duty
66. Documents indicating various signature
of Bill Herrera shift supervisor.
67. Shift log on Jun 17, 2001 indicating
Mr. Herrera on duty.
68. Letter from Herrera received on Jun 26, 2001
providing FMLA forms.
69. Mendoza's e-mail on Jun 23 2001 @16:38
70. Letter from Dixon McKinzie dated
January 7, 2000.
71. Letter of termination of bill Herrera
On July 3 2001.

(T.A.)

DATE
Identified.

(T.A.)

DATE
Admitted.

73. FMLA certificate was returned within 15 days of termination.
74. Delaminating of a fiberglass panel on DC-10 on plaintiff picture of the peeled back fiber glass area. On Apr 29 2001 Defendant applied tape on the surface of the wing as a repair and sent the aircraft with over 300 passenger to Hawaii.
75. Aircraft 081 routing and maintenance check shows that aircraft had took off out of Hawaii after the completion of the heavier maintenance check and that maintenance staff had failed to inspect and remedy such delaminating and that it had also flown to Guam with passenger on board of the flight.
76. Whether report showing that on April 28, 2001 showing wind direction and speed
77. Whether report showing dew point, and conditions at Guam Airport.
78. Herrera continuation of harassment by Requesting for extension as form of constructive discharge. Dated 5/9/2001
79. Herrera request for extension again as form of constructive discharge. Dated 6/12/2001.
80. Dr Chenet report visited dated Oct,03, 2001.
81. Steps in termination defendants production of document 001364
82. Evaluating and rewarding performance.
83. Perfect attendance rewards program.
84. Attendance policy 4 pages.
85. Jun 26, 2001 Herrera's set of interrogatories in regards to Aircraft 081.
86. U.S Dept of labor fax cover sheet

~~TA~~ DATE. Identified.
~~TA~~ DATE Admitted.

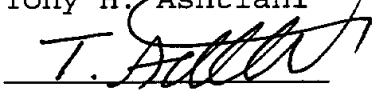
- 1 from Washington D.C from Mr. Malcolm Poist.
- 2 87. U.S Dept of Labor fax from D.C in reference
- 3 to FMLA guidelines.
- 4 88. Smart benefits hand book for mechanics.
- 5 89. CAL and Hewitt letter indicting Ashtiani's
- 6 benefit service years only 7.60570.
- 7 90. Direct evidence indicting Ashtiani worked
- 8 2543.0 hours in 1995
- 9 91. Direct evidence indicating Ashtiani worked
- 10 2584.0 hours in 1996
- 11 92. Direct evidence indicting Ashtiani worked
- 12 2967.0 hours in 1997.
- 13 93. Direct evidence indicting Ashtiani worked
- 14 1380.0 hours in 1998.
- 15 94. Direct evidence indicting lesser pay for
- 16 CAL Mechanics.
- 17 95. Photograph of a damaged DC-10 as comparative
- 18 worth.
- 19 96. Enforcement Guidelines of Compensatory and
- 20 punitive damages.
- 21 97. Affidavit of Vince Diaz December, 15 2003.
- 22 98. Fabian statements dated Sep 15, 2002 of Sherman
- 23 Thompson forced to lie to EEOC.
- 24 99. Calvo's Life and Health Insurance
- 25 guidelines comparative worth dated
- Jan 02, 2002
100. Calvo's Insurance premiums for life
- Insurance.
101. AIG Assist brochure to travelers.
102. AIG brochure with Continental Airlines
- policy number.
103. Blaz vs. VAN DER PYL, In District Court of
- Guam Excess absenteeism occurred by
- an employee whom was also retaliated.

DATE. DATE.
Identified. Admitted.

- 1 104. Swing shift trade day schedule for Dec 99.
- 2 105. Continental Airlines Third Quarter 2003.
Profit and loss filing
- 3 106. SEC filing (Form 5) dated 2/13,14/ 2003
- 4 107. Dept labor and EEOC joint statement by
- 5 108. Letter dated October, 09 2001 form H.R.
Manager Robbie Crisostomo depriving
6 Plaintiff's rights under both Federal
statute and GCA. No safe guard for procedural
7 due process permitted by congress.
- 8 109. EEOC and Dept of Justice and labor issue
9 joint statement against workplace bias in
wake of September 11 attacks.
- 10 110. Declaration of Kathleen sgambulleri
- 11 111. Psychological causes and consequences of
12 racism, racial discrimination.
- 13 112. Agreement between CAL transferred mechanic
CMI.
- 14 113. Agreement Between Continental Micronesia
Inc. and The International Brotherhood of
15 Teamsters. Effective April 1997-March 2001.
- 16 114. Agreement Between Continental Micronesia
Inc. and The International Brotherhood of
17 Teamsters Effective June 15, 2002.

18 Respectfully submitted, Dated this 20th day of February 2004.

20 Tony H. Ashtiani

21 

22 Pro Se, Plaintiff